



DATE: February 14, 1983

TO: DLPC/Permits - B. Munger

FROM: V. Yang *VY*SUBJECT: BUERKETT No. 2/No. 16782516
Supplemental Permit for Disposal of Fly Ash

RECEIVED

FEB 14 1983

E.P.A. - D.L.P.C.
STATE OF ILLINOISSangamon Co.

Enforcement action against Buerkett No. 2 and Buerkett Annex sites concerning insufficient final cover was opened July 16, 1982. Enforcement Notice Letter with Section 31(d) notice was sent on December 3, 1982. On January 16, 1983, a meeting was held between Buerkett and Agency to discuss violations noted at the site. At that time D. Andrews provided a copy of an application for disposal of fly ash on the site. The site for this fly ash disposal pit is currently being used as a borrow pit for final cover materials that is being placed onto the Buerkett Annex and Buerkett No. 2 site. Buerkett is also disposing of fly ash on site but outside of the permitted Buerkett No. 2 - Pit C area. This activity may interfere with the surface drainage pattern on the site. A site inspection and follow-up meeting is scheduled on February 22, 1983, to discuss this fly ash disposal problem. Please advise if you wish to attend.

After discussing this matter with the field staff, it is our conclusion that the application for disposal of fly ash provides insufficient information for issuance of a supplemental permit. Recommendations by the field staff should provide additional information. Secondly, the issuance of this supplemental permit could hinder efforts in applying final cover to the other portions of the site, since the use of this pit would eliminate their source for final cover. The application for a supplemental permit for fly ash disposal should be denied based upon the recommendation of the field staff.

This enforcement case will probably be referred to the Attorney General's Office through a stipulated agreement before the Board or Circuit Court. Mr. Buerkett has been cited before the Pollution Control Board in four previous cases which dated back to 1977. For this reason, denial under Section 39(e) of the Act is justified. In any event, the pending enforcement action will resolve the final cover violations and will include provisions for fly ash disposal by means of additional information request for the supplemental permit application.

VY:mc

cc: B. Seltzer - Enforcement
J. Reid - DLPC/FOS ✓
G. Savage - DLPC/FOS Central Region

EPA Region 5 Records Ctr.



298790



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: 1-19-83Log No. 281

TO: William Seltzer, Enforcement Programs

FROM: Permit Section

SUBJECT: Application of Section 39(e) of Illinois Environmental Protection Act

FACILITY NO. 16782516 COUNTY Jangamon
CITY Spfld FACILITY NAME Buerkett #2The Permit Section received on 1-19-83 an application for
Date
permit for the above site.The site owner is: Bill Pastonand the site operator is: Murle Buerkett

Your comments regarding current enforcement actions pending, previous repeated violations, conviction of a felony or proof of gross carelessness or incompetence in handling, storing, processing, transporting or disposal of hazardous waste are requested. Please submit comments by 2-19-83. Your response prior to this date will be appreciated.

Type of Application Sup - Disposal Permit Unit RCRA
fly ash Reviewer Bert Munger

cc: Application File

RA:mad/16

IL 532-0996
LPC 110 9/82**RECEIVED
ENFORCEMENT PROGRAMS**

JAN 27 1983

Environmental Protection Agency